IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

Bail Appl..No. 7247 of 2007()

CRIME NO. 317/07 OF PAZHAYANGADI POLICE STATION

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PETITIONER/ACCUSED:

ZIYAD ABDUL KHADAR, AGED 28 YEARS,
S/O. ABDHUL KHADAR, RAZANA MANZIL,
P.O. MATTUL NORTH, KANNUR-670325.

BY ADV. SRI.A.SUDHI VASUDEVAN

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR.

2. SUB INSPECTOR OF POLICE,
PAZHAYANGADI POLICE STATION, KANNUR.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7247 OF 2007

Dated this the 3rd day of December, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations that he has kidnapped one `Jazeera' aged less than 18 years. The learned counsel for the petitioner submits that there is no elements of the offence of kidnapping. The said Jazeera had come to the petitioner and wanted her to be married by the petitioner as her father was compelling her to get married to some other person against her wishes. The learned counsel for the petitioner submits that subsequently as per order dated 26/11/07 the said Jazeera was produced before Court and she was permitted by a Division Bench of this Court to go with the petitioner, her marriage with the petitioner having already been taken place. In these circumstances, it is prayed that the petitioner may be granted anticipatory bail.

2. The learned Public Prosecutor does not oppose the application. I am satisfied, in the facts and circumstances of this case, that the petitioner can be granted anticipatory bail. In the absence of opposition from the learned Public Prosecutor, it is not necessary for me to advert to the facts in any greater detail in this order.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 10/12/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on 11/12/07 and thereafter as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 10/12/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 10/12/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge